

RUST et al., Ser. No. 10/726,183

REMARKS

Claims 10-15 are pending.

Applicants again request reconsideration of the Election/Restriction Requirement. As previously noted, claim 15 is dependent on claim 10. As such, claim 10 and claim 15 are not mutually exclusive (see generally MPEP 806.04(f)), and claim 15 contains all of the limitations of claim 10. Therefore, if claim 10 is allowable over the prior art, then it necessarily follows that claim 15 is also allowable over the prior art. Accordingly, contrary to the Examiner's argument, no new or different search is needed to conclude that claim 15 is allowable over the prior art.

Claims 10-14 stand rejected under the judicially created doctrine of obviousness-type double patenting, as being unpatentable over claims 1-14 of US 6,900,332. Applicants submit a Terminal Disclaimer herewith, thereby overcoming this rejection.